
From: Ken Lederman <ken.lederman@foster.com>
Sent: Monday, June 29, 2020 9:39 AM
To: Leefers, Kristin
Cc: Wells, Erika (ENRD)
Subject: RE: SRC settlement discussion

Let's do 2:00 – I'll send an invite now

Ken Lederman

Principal

Foster Garvey PC

Direct: 206.447.6267

Cell: 206.595.0680

ken.lederman@foster.com

From: Leefers, Kristin [mailto:Leefers.Kristin@epa.gov]
Sent: Friday, June 26, 2020 10:13 AM
To: Ken Lederman
Cc: Wells, Erika (ENRD)
Subject: RE: SRC settlement discussion

Hi Ken,

Best times for Erika and I are on Tuesday (6/30), either from 12-1pm or 2-3pm PT. Would either of those work for you?

Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
M/S: 11-C07
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206-553-1532
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From: Ken Lederman <ken.lederman@foster.com>
Sent: Thursday, June 25, 2020 12:43 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wells, Erika (ENRD) <Erika.Wells@usdoj.gov>; Ken Lederman <ken.lederman@foster.com>
Subject: RE: SRC settlement discussion

Hi Kris. First, attached please find an executed copy of the updated consent for access form. Please let us know if there's anything that we can do to assist with EPA's scheduling and evaluation efforts.

Second, your edits to the text of the Settlement Agreement are fine. I believe we can lock in the narrative content, which means the only remaining issue would be the \$\$ and % numbers for Paragraph 17(f).

Third, regarding Paragraph 17(f), SRC has authorized a response counteroffer of \$275,000 or 50%, whichever is lower. Please let me know if you are available in the early part of next week to discuss matters further by phone rather than by email.

Fourth, thanks for the heads up on the Spokane Task Force meeting. I hope it went well, and please let me know if the meeting generated any concerns or issues for the planned removal activities. And if you have any update on the status of discussions around stormwater activities for the settling ponds, please let us know.

Finally (sorry), going forward, please include me as the primary SRC contact for public affairs regarding the cleanup activities or the Task Force.

Talk to you soon.

Ken Lederman
Principal

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ken.lederman@foster.com

From: Leefers, Kristin [<mailto:Leefers.Kristin@epa.gov>]
Sent: Monday, June 22, 2020 11:46 AM
To: Ken Lederman
Cc: Wells, Erika (ENRD)
Subject: RE: SRC settlement discussion

Hi Ken,

Erika and I have reviewed the latest draft you sent and have a few additional tweaks to the language. There is a minor edit to paragraph 15, for clarity. For paragraph 17(f), we believe this updated offer is more than fair, given the millions of dollars of taxpayers money that EPA is spending to clean up SRC's contaminated property. For paragraph 41, we understand SRC's interest in flexibility regarding timing to revoke the easement, however we cannot agree to a completely ambiguous timeframe. We have proposed new language that we believe is a reasonable middle-ground. Any EPA decision to require revocation of the easement would be made in the context of a cleanup action as documented in an Action Memo, or amendment to an Action Memo, and would not be a stand-alone requirement. This draft is still subject to final approval by EPA and DOJ management, and Erika and I propose to recommend this draft for approval to our respective management. Please let us know whether SRC is in agreement on these terms so that we can proceed with seeking final approval.

Since the final approval process, and required 30-day public comment period, are still ahead of us, EPA is requesting consent for access to SRC's property to continue through the end of August. We expect that this settlement will become effective before the end of August, but would like to request these additional two

months of access now so we don't have to repeatedly request access on a shorter timeframe. The current consent for access lasts through the end of June. If SRC is amenable, please request that your client sign the attached consent for access form. You will note that the only proposed edits to this form from the previously signed form is to remove access for KAIC and to insert the new dates for duration of consent.

Finally, as a heads up, there is a Spokane River Regional Toxics Task Force meeting on Wednesday evening (6/24/20). EPA will be participating in the meeting and there will be a discussion on the planned removal activities on SRC property. EPA staff have been instructed to not discuss specifics of the proposed settlement with SRC however, since we are still in negotiations.

Let us know if you have any questions about all of this.

Take care,
Kris

Kris Leefers
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Deputy Unit Dive Officer
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From: Ken Lederman <ken.lederman@foster.com>
Sent: Wednesday, June 17, 2020 3:06 PM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wells, Erika (ENRD) <Erika.Wells@usdoj.gov>; Ken Lederman <ken.lederman@foster.com>
Subject: RE: SRC settlement discussion

Kris – attached is an updated redline. All of your prior changes were accepted, but I changed the language on the stormwater easement to reflect revocation within a reasonable timeframe after written notification. If we were required to revoke in 30 days and if an alternative stormwater management system had not been provided, the resulting consequences could be dire. We want to provide some flexibility on the timing so that SRC is not damaged as a result.

On Appendix D, a title report has been requested and we will craft that list of permitted encumbrances separately.

Thanks.

Ken Lederman
Principal

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From: Leefers, Kristin [<mailto:Leefers.Kristin@epa.gov>]
Sent: Thursday, June 11, 2020 2:42 PM
To: Ken Lederman
Cc: Wells, Erika (ENRD)
Subject: RE: SRC settlement discussion

Hi Ken,

As mentioned, here is the updated draft settlement for your review in advance of our call on Monday.

Take care,
Kris

Kris Leefers
Assistant Regional Counsel
Deputy Unit Dive Officer
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From: Leefers, Kristin
Sent: Thursday, June 11, 2020 8:30 AM
To: Ken Lederman <ken.lederman@foster.com>
Cc: Wells, Erika (ENRD) <Erika.Wells@usdoj.gov>
Subject: RE: SRC settlement discussion

Thanks Ken, we'll talk to you on Monday.

Kris Leefers
206-553-1532

From: Ken Lederman <ken.lederman@foster.com>
Sent: Thursday, June 11, 2020 8:16 AM
To: Leefers, Kristin <Leefers.Kristin@epa.gov>
Cc: Wells, Erika (ENRD) <Erika.Wells@usdoj.gov>
Subject: RE: SRC settlement discussion

Thanks Kris. I just sent an invite for a call at 1:00 pm on Monday.

Ken Lederman
Principal

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ken.lederman@foster.com

From: Leefers, Kristin [<mailto:Leefers.Kristin@epa.gov>]

Sent: Thursday, June 11, 2020 8:04 AM

To: Ken Lederman

Cc: Wells, Erika (ENRD)

Subject: SRC settlement discussion

Hi Ken,

Erika and I would like to talk with you about the few remaining items in the SRC settlement. 30 minutes should be sufficient. We are available at the following times:

Monday 6/15: 9am-3pm (1-3pm is preferred)

Tuesday 6/16: 11am-12:30pm, 2:30-4:30pm

We are also working on an updated draft to address the matters raised when we spoke earlier this week. I should be able to send that to you later today or Friday.

Take care,

Kris

Kris Leefers

Assistant Regional Counsel

Deputy Unit Dive Officer

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